REMARKS

Claims 14-34 remain in this application.

Claims 14, 15, 17, 19, 22 and 26 have had their dependency changed to claim 33. Claim 33 is identical to former claim 13 except that it recites that the fuel system and delivery device for delivering the active ingredient to the exhaust are entirely separate.

Each of the claims which had language the examiner objected to have now been corrected as suggested by the examiner.

Also, claim 34 has been amended so as to recite that the fuel system for the engine, and the delivery system for delivering the active ingredient to the exhaust system are entirely separate systems.

The examiner rejected claims 14-24 and 26-34 as anticipated by Peter-Hoblyn et al. But it is pointed out that this reference lacks several limitations which are recited in these claims, and were recited even before the present amendments, so that **the rejection under 35 USC 102 clearly was not proper**.

In particular, it is noted that claim 33 includes the limitation that the fuel system and exhaust treatment delivery device are entirely separate, which is a limitation which Peter-Hoblyn et al. clearly does not have or in any way disclose. Accordingly the rejection of claim 33 under 35 USC 102 was not proper.

Plus, as previously argued, Peter-Hoblyn et al. does not contain any disclosure as to the surge tank 30 being a pressure reservoir capable of being able to store the active ingredient under pressure as recited by claim 33.

The examiner has argued that since there is no pump between surge tank 30 and line 44, that this is evidence that surge tank 30 is pressurized. But whether or not there is a pump is not in any way stated by Peter-Hoblyn et al. Thus the examiner can only **assume** that there is no pump and that surge tank 30 might be pressurized.

Not only is such an assumption totally improper for a rejection under 35 USC 102, but actually **Peter-Hoblyn et al. teaches away from such an assumption**. Figure 3, the third embodiment of Peter-Hoblyn et al. has a tank 230, which, as indicated by lines 36-39 of column 10, must be considered to be fully equivalent to surge tank 30. And this surge tank 230 is shown and disclosed with a pump 234 between itself and line 244. Thus, not only does Peter-Hoblyn et al. not teach a pressurized surge tank 30, Peter-Hoblyn et al. teach away from the surge tank being pressurized as the examiner has assumed.

Moreover what Peter-Hoblyn et al. does disclose at column 9 lines 15-25, is that surge tank 30 is filled until level sensor 31 detects that it is full to its intended level. As soon as surge tank 30 is full, the aqueous NO_x reducing agent is lead directly into the exhaust line 44 via line 25, **and any excess reducing agent passes from surge tank 30 and is lead back to fuel tank 10**. Thus, the reference to Peter-Hoblyn et al. avoids pressure buildup in surge tank 30 by allowing excess aqueous NO_x to be lead back to fuel tank 10. This difference is further amplified by the use of the term "surge" tank, as this even further points to the tank 30 being a buffer tank which is filled only to a certain level, rather than to a pressure reservoir which is filled, and even further is pressurized.

The examiner has argued against this point by saying that applicant's paragraph 0027

recites that the reservoir (30) in Peter-Hoblyn et al. is considered to be a "pressure reservoir". This is not at all understood, since applicants' disclosure does not say anything at all about the reference to Peter-Hoblyn et al.

Thus, as shown above, the rejection of claims under 35 USC 102 as anticipated by Peter-Hoblyn et al. was not a proper rejection, and the finality of that action should be withdrawn.

And with the present amendment it is clear that Peter-Hoblyn et al. is even further from teaching structure which meets all of the limitations as recited in claims 33 and 34. In particular, Peter-Hoblyn et al. is missing any teaching that the system which supplies fuel to the engine, and the system which supplies the active ingredient to the exhaust system, are entirely separate systems.

This feature has now been added to claim 34 to assure that the examiner does not, and cannot properly continue a rejection of this claim under 35 USC 102. Plus further, there is no showing in the prior art which in any way would make this limitation obvious to one skilled in the art, so a rejection under 35 USC 103 also is not appropriate.

Claims 17 and 34 include further material which also is not found in the Peter-Hoblyn et al. reference. In particular, at column 8 lines 41-43 Peter-Hoblyn et al. disclose only a very general regulation of the flow of the NO_x reducing agent. Further, at lines 59-60, Peter-Hoblyn et al. disclose that it is desirable to be able to control reagent feed, as well as close it down as desired. There is no disclosure in Peter-Hoblyn et al. as to control and/or regulation of the **pressure** in the pressure reservoir, nor is there any disclosure of controlling the time at which the

injection of the active ingredient occurs. Column 8 lines 52-54 of Peter-Hoblyn et al. do not relate to the injection timing of the active ingredient into the exhaust gas, but rather to the timing of injecting fuel into the combustion chamber. And there is nowhere else in the Peter-Hoblyn et al. reference which speaks of timing of the injection of the active ingredient into the exhaust gas.

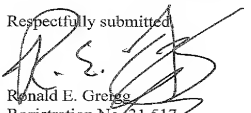
In the rejection of claim 25 the examiner has relied on the references to Peter-Hoblyn et al. and Goerigk et al. But the reference to Goerigk et al. does not supply any of the deficiencies which Peter-Hoblyn et al. has as a reference against these claims. In particular, Goerigk et al does not include any disclosure of controlling or regulating the pressure in the pressure reservoir. Likewise, Goerigk et al does not include any disclosure of controlling the time at which the injection of the active ingredient occurs. And Goerigk et al. does not teach that the fuel supply system should be entirely separate from the exhaust treatment system.

In fact, none of the other cited prior art includes any teaching of these two limitations which are recited in the claims. And thus the prior art does not include a complete teaching of the invention as recited in applicants' claims. Accordingly, there can be no proper rejection under either 35 USC 102, or under 35 USC 103 based on the prior art which is now cited in this application.

For all of the above reasons, singly and in combination with each other, entry of this amendment and allowance of the claims are courteously solicited.

The Commissioner is authorized to charge an extension of time fee, or any other necessary fees in connection with this communication, to Deposit Account Number 07-2100.

Respectfully submitted,



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